

March 10, 2020

STATE OF MINNESOTA)
COUNTY OF DAKOTA)
OFFICE OF COUNTY BOARD)

Call To Order And Roll Call

Commissioner Mike Slavik
Commissioner Kathleen A. Gaylord
Commissioner Thomas A. Egan
Commissioner Joe Atkins
Commissioner Liz Workman
Commissioner Chris Gerlach

Absent - Commissioner Mary Liz Holberg.

Also in attendance were: Matt Smith, County Manager; James Backstrom, County Attorney; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

Video and audio of this County Board meeting are available on the Dakota County website.

Pledge Of Allegiance

The meeting was called to order at 9:00 a.m. by Chair Mike Slavik who welcomed everyone and opened the meeting with the Pledge of Allegiance.

Audience

Chair Slavik asked if there was anyone in the audience that wished to address the Board on an item not scheduled on the agenda or any item on the consent agenda. No one came forward.

20-117

Approval Of Agenda (Additions/Corrections/Deletions)

Motion: Joe Atkins

Second: Liz Workman

On a motion by Commissioner Joe Atkins, seconded by Commissioner Liz Workman, the agenda was unanimously approved.

Presentation

Metropolitan Mosquito Control District Annual Presentation

Dr. Stephen Manweiler, Executive Director for Metropolitan Mosquito Control District presented the annual Mosquito Control District presentation. Dr. Manweiler spoke to governance, Mosquito Control, La Crosse Virus, Jamestown Canyon, West Nile Virus, Tick-borne Disease, Black fly Control and 2020 plans.

CONSENT AGENDA

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

On a motion by Commissioner Thomas A. Egan, seconded by Commissioner Kathleen A. Gaylord, the consent agenda was unanimously approved as follows:

Ayes: 6

Nays: 0

Absent: 1 Mary Liz Holberg

20-118

Approval Of Minutes Of Meeting Held On February 25, 2020

March 10, 2020

Items Recommended By Board Committee

20-119

Legislative Update And Approval Of Legislative Position

WHEREAS, the Minnesota State Legislature convened its 2020 session on February 11, 2020; and

WHEREAS, the interests of Dakota County and its citizens will be directly affected by the decisions of the 2020 State Legislature; and

WHEREAS, at its meeting on February 12, 2020, the Legislative Advisory Workgroup reviewed and recommended the approval of a legislative position related to a fee increase for Deputy Registrar license transactions.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby supports the Minnesota Deputy Registrar Association and the Minnesota Association of County Officers request for a fee increase for license transactions.

20-120

Authorization To Execute Amendment With Loffler Companies, Inc. For Managed Print Services

WHEREAS, Dakota County (County) has an ongoing need to print and copy documents; and

WHEREAS, the County has standardized and invested in the existing fleet of printing and copying devices; and

WHEREAS, the County made a Request for Proposal in 2015, selected Loffler Companies, Inc., and entered into a contract to provide Managed Print Services for the County; and

WHEREAS, there have been significant efficiencies from a standardized fleet of equipment and one vendor; and

WHEREAS, with a Managed Print Services program the County has had an average annual cost savings of \$116,500; and

WHEREAS, Loffler Companies, Inc. has provided high-quality customer service to the County for five years; and

WHEREAS, Loffler Companies, Inc. has proposed the same price per page rates for both color and black/white through September 2025; and

WHEREAS, the contract extension includes technical updates and clarifies contract language.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Finance Director to execute a contract amendment with Loffler Companies, Inc. for Managed Print Services for a period of five years, increasing the contract by \$1,000,000 for a total contract amount not to exceed \$2,414,000, subject to approval as to form by the County Attorney's Office.

County Board/County Administration

2019 Gift Acceptance Report

This item was on the agenda for informational purposes only.

Operations, Management And Budget

20-121

March 10, 2020

Proclamation Of Procurement Month, March 2020

WHEREAS, the public procurement professional plays a significant role in the efficiency and effectiveness of government; and

WHEREAS, government procurement professionals contribute positively to public services by improving procurement practices and by utilizing technology to increase efficiency; and

WHEREAS, Dakota County Procurement, the Minnesota Chapter of The Institute of Public Procurement and other public professional procurement associations engage in special efforts, during the month of March, to inform the public about the importance of the role played by the procurement professionals; and

WHEREAS, the staff of Dakota County do an exemplary job of evaluating the process under which fair and competitive bidding occurs; and

WHEREAS, Dakota County Procurement continues to maintain the highest level of professionalism and fiscal responsibility in public procurement practices and services to all County agencies, as well as the residents of Dakota County; and

WHEREAS, training, networking, certification and continuing education of procurement staff ensure that the public is well served with the process of fairness in all aspects.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby proclaims the month of March 2020 as Procurement Month in Dakota County.

Physical Development

20-122

Award Of Bid And Authorization To Execute Contract With Minnesota Native Landscapes, Inc., For Construction Of Vermillion River Park Conservation Area Streambank Restoration Project

WHEREAS, Dakota County (County) is the owner of natural area property adjacent to the Vermillion River mainstem within Empire Township and established a Park Conservation Area; and

WHEREAS, as a component of the 2020 Environmental Resources Capital Improvement Program Adopted budget, staff worked to identify streambank restoration opportunities to improve water quality in the Vermillion River; and

WHEREAS, staff identified nine streambank restoration opportunities within the Park Conservation Area and on two adjacent privately-owned properties; and

WHEREAS, the County's design consultant, Emmons and Olivier Resources, Inc., has prepared final plan drawings and specifications for the proposed improvements which include restoration of nine streambank sections on the Vermillion River with soil, native vegetation, and riprap; and

WHEREAS, staff solicited bids for the improvement project on February 6, 2020, and bids were received on February 27, 2020; and

WHEREAS, the engineer's opinion of probable cost for the project was \$308,790; and

WHEREAS, the lowest responsive and responsible bid is \$289,233.95 from Minnesota Native Landscapes, Inc.; and

WHEREAS, funding for the improvements has been authorized in the 2020 Environmental Resources Capital

March 10, 2020

Improvement Program Adopted budget; and

WHEREAS, substantial completion of the construction project is scheduled for September 1, 2020, with final vegetation establishment occurring no later than May 31, 2021; and

WHEREAS, staff recommends execution of a contract with Minnesota Native Landscapes, Inc., to construct the Vermillion River Park Conservation Area Streambank Restoration Project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Environmental Resources Director to execute a contract for construction of the Vermillion River Park Conservation Area Streambank Restoration Project with Minnesota Native Landscapes, Inc., not to exceed \$289,233.95, subject to approval by the County Attorney's Office as to form.

20-123

Authorization To Execute Joint Powers Agreement With Conservation Corps, Doing Business As Conservation Corps Minnesota For Crew Labor

WHEREAS, Dakota County's (County) Natural Resource Management System Plan (NRMSP) calls for increases in acres of parkland restored, actively managed, and maintained; expansion of the County's Volunteer Program; and expansion of partnerships and collaborations to effectively leverage external funding resources; and

WHEREAS, to meet these goals, the NRMSP recognized the need to augment the County's operational capacity; and

WHEREAS, Conservation Corps, doing business as Conservation Corps Minnesota (CCM), is a 501(c)(3) non-profit that provides hands-on environmental stewardship and service-learning opportunities to youth and young adults while accomplishing conservation, natural resource management, and emergency response work; and

WHEREAS, CCM is authorized by Minn. Stat. § 84.991, subd. 6 to enter into a joint powers agreement (JPA) with the County to perform natural resource restoration services; and

WHEREAS, the County and CCM executed a JPA establishing the terms for CCM to provide natural resource management services that expired on December 31, 2019; and

WHEREAS, the CCM crew successfully completed a variety of natural resource restoration projects for the County and assisted at multiple volunteer events throughout 2018 and 2019; and

WHEREAS, staff recommends the County execute a JPA with CCM for work and services in 2020 and 2021 that is aligned with the Natural Resources Program annual work plan and guided by the NRMSP; and

WHEREAS, in 2020 and 2021, CCM crews' work will include removing invasive species using gas-powered tools, leading volunteer events, assisting with natural resource monitoring, maintaining County-owned stormwater treatment facilities, and additional tasks as necessary; and

WHEREAS, a JPA has been prepared, which includes the following predominant terms:

- Conservation Corps Minnesota will provide fully trained and equipped, four-person young adult crews, including crew leaders, to the County at a rate of \$24.50 per corps member per hour, for a total contract maximum of \$340,960 for 2020 and 2021.
- Conservation Corps Minnesota young adults will lead up to 32 youth participants during the academic school year. These crews will assist with natural resources projects in the County. All youth wages will be paid for with CCM funds.

; and

WHEREAS, the expenses will be spread over the two years of the agreement, and sufficient funds (\$170,480) are

March 10, 2020

included in the 2020 Parks Capital Improvement Program Adopted budget, and \$170,480 is planned for in 2021 in the 2020-2024 Parks Capital Improvement Program Adopted Budget for the second year of the JPA (Attachment B).

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a joint powers agreement with Conservation Corps, doing business as Conservation Corps Minnesota, substantially as presented, for the provision of four-person crews from January 1, 2020, through December 31, 2021, in an amount not to exceed \$340,960, and subject to approval as to form by the County Attorney's Office.

20-124

Authorization To Execute Cooperative Purchasing Vendor Contract With VariTech Industries, Inc., For Brine Production At Empire Maintenance Facility

WHEREAS, purchase of a brine system is planned as part of the Empire Campus Additions and Renovations project; and

WHEREAS, staff has reviewed, researched, and determined an available brine system from VariTech Industries, Inc., to be the most suitable for Dakota County's (County) needs; and

WHEREAS, the purchase of this system will allow the County to produce and to store its own liquid brine for the winter treatment of roadways; and

WHEREAS, the County holds a cooperative purchase agreement with the State of Minnesota that allows the County to purchase from this vendor under contract with State; and

WHEREAS, the cooperative purchasing agreement with the State results in reduced workload and competitive pricing, allowing the County to take advantage of the time spent by the State to perform the competitive bidding process; and

WHEREAS, the specified brine system is available for purchase from the State contract vendors.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract for the purchase and installation of one brine production system at the Empire Maintenance Facility as provided by VariTech Industries, Inc., 501 Cliff Road East #130, Burnsville, MN 55337, in an amount not to exceed \$138,392.70, subject to approval by the County Attorney's office as to form.

20-125

Award Of Bid And Authorization To Execute Contract With Laketown Electric Corporation To Provide General Contractor Services For Law Enforcement Center Generator Replacement Project

WHEREAS, the 2020 Building Capital Improvement Program (CIP) Budget authorized the Law Enforcement Center (LEC) Generator Replacement Project (Project); and

WHEREAS, the 600-kilowatt generator serving the LEC was installed in 1988 and has reached the end of its useful life making repairs much more difficult and costly; and

WHEREAS, this Project replaces the generator with an equivalent sized unit and upgrades all of the associated electrical switchgear served by it; and

WHEREAS, emissions permitting with the Minnesota Pollution Control Agency for this unit will be addressed with the Hastings Campus permit process; and

WHEREAS, the generator's primary purpose is to supply power to the building in the event electrical service from

March 10, 2020

the utility company, Xcel Energy, is interrupted; and

WHEREAS, the generator will allow all equipment, lighting, and computers in LEC to remain operational until service from Xcel Energy is restored; and

WHEREAS, bid documents and specifications were prepared by Emanuelson-Podas, Inc., and advertised on January 23, 2020; and

WHEREAS, five competitive bids were received on February 13, 2020; and

WHEREAS, Laketown Electric Corporation has submitted a bid of \$758,000; and

WHEREAS, staff and Emanuelson-Podas, Inc., reviewed the qualifications of the bidder and recommend award to Laketown Electric Corporation as the lowest responsive and responsible bidder, in an amount not to exceed \$758,000, for the LEC Generator Replacement; and

WHEREAS, funding for the Project is within the 2020 Building CIP Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Parks, Facilities, and Fleet Management Director to execute a contract with Laketown Electric Corporation, 8470 State Highway 5, Waconia, MN 55387, in an amount not to exceed \$758,000, for the Law Enforcement Center Generator Replacement, substantially as presented and attached, subject to approval by the County Attorney's office as to form.

20-126

Authorization To Execute Contract Amendment With HDR, Inc., For Professional Services On County Project 9-55 In Lakeville

WHEREAS, to provide a safe and efficient transportation system, Dakota County (County) is partnering with the City of Lakeville (City) on County Project (CP) 9-55; and

WHEREAS, CP 9-55 is preliminary and final design engineering and public engagement process for converting the full-access intersection of County State Aid Highway 9 and Icenic Trail/Heritage Blvd to a partial-access intersection; and

WHEREAS, the County is the lead agency for CP 9-55 with construction scheduled to begin in summer 2020; and

WHEREAS, CP 9-55 was awarded \$360,000 in federal funding through the Highway Safety Improvement Program; and

WHEREAS, by Resolution No. 19-590 (June 18, 2019), the County Board authorized the Physical Development Director to execute a contract with HDR, Inc., for design engineering services for CP 9-55, for an amount not to exceed \$118,283; and

WHEREAS, since the contract was awarded, the project scope evolved to include items not in the original scope of design services to be performed by HDR, Inc.; and

WHEREAS, the cost of the additional out-of-scope work for the final design engineering to be performed by HDR, Inc., is \$21,884.46; and

WHEREAS, the 2020–2024 Capital Improvement Program Budget includes sufficient funding; and

WHEREAS, the County Engineer recommends execution of a contract amendment with HDR, Inc., for design engineering services for CP 9-55 in an amount of \$21,884.46 for a new contract amount not to exceed

March 10, 2020

\$140,167.46 including reimbursable items.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to amend the contract with HDR, Inc., to perform the additional engineering services for County Project 9-55 in an amount not to exceed \$21,884.46, resulting in a total amended contract amount not to exceed \$140,167.46, including reimbursable items, subject to approval by the County Attorney's Office as to form.

20-127

Approval Of Right Of Way Acquisition For County Project 97-201 And Conveyance Of Excess Property To City Of Burnsville

WHEREAS, Dakota County (County), the City of Burnsville (City), and the Minnesota Department of Transportation (MnDOT) partnered on County Project (CP) 5-41, which was the construction of an interchange at the intersection of Trunk Highway 13 and County State Aid Highway 5 and related work along city streets and frontage roads; and

WHEREAS, by Resolution No. 17-013, (January 3, 2017), the County acquired the property located at 1418 Woodhill Road to address drainage items that were not resolved with CP 5-41; and

WHEREAS, by Resolution No. 19-797, (October 29, 2019), the County Board authorized a joint powers agreement with MnDOT and the City to outline cost participation and responsibilities for CP 97-201 to further address the drainage items from CP 5-41; and

WHEREAS, under the agreement, MnDOT is responsible for the plans and specifications, the City is responsible for constructing the project, and the County will acquire temporary easements from the five affected property owners; and

WHEREAS, all project costs will be shared equally between MnDOT, the City, and the County; and

WHEREAS, Minn. Stat. § 117.036 only requires minimum damage acquisition reports for acquisitions less than \$25,000, and the acquiring authority may obtain a minimum damage acquisition (MDA) report in lieu of an appraisal; and

WHEREAS, staff will certify the values for the MDA reports; and

WHEREAS, staff has met with affected property owners and does not intend on seeking condemnation for the project; and

WHEREAS, upon completion of the project, Dakota County will convey Fee Title to the City of Burnsville for the property legally described as: Lot 9, Block 1, Vista View 2nd Addition (1418 Woodhill Road), according to the recorded plat thereof, Dakota County, Minnesota; and

WHEREAS, staff recommends the approval of the appraised values for CP 97-201 and authorizing conveyance of the property to the City upon completion of the project.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the appraised value by use of minimum damage acquisition reports for County Project 97-201 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowners and acquire property for the project; and

BE IT FURTHER RESOLVED, That the Dakota County Board Chair is hereby authorized to execute one or more quit claim deeds to the City of Burnsville upon completion of the project transferring the County's interest in the land as described above, subject to approval by the County Attorney's Office as to form.

Public Safety

20-128

Authorization To Execute Joint Powers Agreement With Human Trafficking Investigators Task Force

WHEREAS, the Human Trafficking Investigators Task Force operates through the Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA), and was formed for the purpose of combating human trafficking and the sexual exploitation of children; and

WHEREAS, affiliate members of the Human Trafficking Investigators Task Force will receive reimbursement for wage and overtime expenses for licensed detectives when under the direction of the BCA and engaged in the investigation of these offenses; and

WHEREAS, the Sheriff requests to enter into a joint powers agreement with the BCA Human Trafficking Investigators Task Force, effective on the date the State obtains all required signatures and expiring five years from that date.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff to enter into a joint powers agreement with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension, to join the Human Trafficking Investigators Task Force, effective on the date the State obtains all required signatures and ending five years from that date, subject to approval by the County Attorney's Office as to form.

20-129

Authorization To Execute Joint Powers Agreement With City Of Miesville For Ordinance Enforcement

WHEREAS, since 2010 and with approval from the Dakota County Board of Commissioners, the Dakota County Sheriff has enforced selected and pre-approved local ordinances with cities and townships requesting those services after the execution of separate joint powers agreements; and

WHEREAS, the Chair of the City of Miesville has requested the opportunity to execute a similar agreement with the Dakota County Sheriff for enforcement of the City of Miesville ordinances for the period January 1, 2020, through December 31, 2021; and

WHEREAS, the Sheriff requests to provide ordinance enforcement services to the City of Miesville, for the period January 1, 2020, through December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Sheriff to execute a joint powers agreement with the City of Miesville to enforce selected ordinances for the period January 1, 2020, through December 31, 2021, subject to approval of the County Attorney's Office as to form.

Public Services And Revenue

20-130

Approval Of Application For Assemblage Of Large Numbers Of People License For Lawrence Valek DBA Valek Auction Service

WHEREAS, an application has been submitted by Lawrence Valek doing business as Valek Auction Service to hold an auction at Dakota County Fairgrounds in Castle Rock Township; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed license, and the application has been reviewed for compliance with County Ordinance No. 112 and has

March 10, 2020

been approved by the Public Services and Revenue Division, Public Health Department, Risk Management and Sheriff's Office; and

WHEREAS, the licensee has agreed to comply with the requirements of Ordinance No. 112, including the noise requirements; and

WHEREAS, Castle Rock Township has been notified of said event, reviewed at the February 10, 2020 Board of Supervisors Regular Meeting and approves this to be brought before the Dakota County Board of Commissioners for approval.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application for Assemblage of Large Numbers of People License received by Lawrence Valek doing business as Valek Auction Service to hold an auction at the Dakota County Fairgrounds on Saturday, April 4, 2020, between the hours of 9:00 a.m. and 5:00 p.m., and authorizes the Public Service and Revenue Division to issue the license.

20-131

Approval Of Application For Premises Permit For Farmington Youth Hockey Association, Inc.

WHEREAS, premises permits are issued by the Minnesota Gambling Control Board; and

WHEREAS, the Minnesota Gambling Control Board requires County approval of an application when the gambling premises are located in a township; and

WHEREAS, an application for a Premises Permit to hold gambling activities at Castle Rock Bar & Grill in Castle Rock Township from April 1, 2020 – March 31, 2021 has been submitted by Farmington Youth Hockey Association Inc.; and

WHEREAS, the Dakota County Board of Commissioners is the local governing body having jurisdiction over the proposed gambling activity.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the application from Farmington Youth Hockey Association Inc., for a Premises Permit to hold gambling activities at Castle Rock Bar & Grill in Castle Rock Township from April 1, 2020 – March 31, 2021.

REGULAR AGENDA

Public Services And Revenue

20-132

Acceptance Of Gifts To Dakota County Library

Public Services & Revenue Deputy Director Teresa Mitchell briefed this item and responded to questions.

Motion: Thomas A. Egan

Second: Kathleen A. Gaylord

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 14-400 (August 12, 2014), delegated to the Dakota County Library Advisory Committee the authority to accept gifts of personal property of not more than \$500.00 for public library purposes; and

WHEREAS, the Dakota County Board of Commissioners must approve and accept gifts to County libraries with a value greater than \$500.00; and Friends of the Wescott Library donated \$1,425.00 for three Janome sewing machines for the Wescott iLab; and

WHEREAS, this donation will greatly enrich the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Advisory Committee supports acceptance of this gift.

March 10, 2020

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts from Friends of the Wescott Library \$1,425.00 for three Janome sewing machines for the Wescott iLab; and

BE IT FURTHER RESOLVED, That the adopted 2020 budget is hereby amended as follows:

Revenue	
Wescott Library Gifts	\$1,425.00
Total Revenue	\$1,425.00

Expense	
Wescott Library Gifts	\$1,425.00
Total Expense	\$1,425.00

Ayes: 6

Nays: 0

Absent: 1 Mary Liz Holberg

20-133

Acceptance Of Gifts To Dakota County Library

Public Services & Revenue Deputy Director Teresa Mitchell briefed this item and responded to questions.

Motion: Thomas A. Egan
Atkins

Second: Liz Workman

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 14-400 (August 12, 2014), delegated to the Dakota County Library Advisory Committee the authority to accept gifts of personal property of not more than \$500.00 for public library purposes; and

WHEREAS, the Dakota County Board of Commissioners must approve and accept gifts to County libraries with a value greater than \$500.00; and Dakota County Library Foundation donated \$1,275.00 for books and CDs for the Dakota County Jail Outreach program that supports and encourages incarcerated parents to read with and to their children; and

WHEREAS, this donation will greatly enrich the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Advisory Committee supports acceptance of this gift.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts from Dakota County Library Foundation \$1,275.00 for books and CDs for the Dakota County Jail Outreach program that supports and encourages incarcerated parents to read with and to their children; and

BE IT FURTHER RESOLVED, That the adopted 2020 budget is hereby amended as follows:

Revenue	
Library Foundation Gifts	\$1,275.00
Total Revenue	\$1,275.00

Expense	
Library Foundation Gifts	\$1,275.00
Total Expense	\$1,275.00

Ayes: 6

Nays: 0

Absent: 1 Mary Liz Holberg

20-134

Acceptance Of Gifts To Dakota County Library

March 10, 2020

Public Services & Revenue Deputy Director Teresa Mitchell briefed this item and responded to questions.

Motion: Kathleen A. Gaylord

Second: Joe Atkins

WHEREAS, the Dakota County Board of Commissioners, by Resolution No. 14-400 (August 12, 2014), delegated to the Dakota County Library Advisory Committee the authority to accept gifts of personal property of not more than \$500.00 for public library purposes; and

WHEREAS, the Dakota County Board of Commissioners must approve and accept gifts to County libraries with a value greater than \$500.00; and Friends of the Pleasant Hill Library donated \$1,000.00 for Lucky U books; and

WHEREAS, this donation will greatly enrich the capacity of Dakota County Library to offer valuable materials and programs to customers; and

WHEREAS, the Dakota County Library Advisory Committee supports acceptance of this gift.

NOW, THEREFORE BE IT RESOLVED, That the Dakota County Board of Commissioners hereby accepts from Friends of the Pleasant Hill Library \$1,000.00 for Lucky U books; and

BE IT FURTHER RESOLVED, That the adopted 2020 budget is hereby amended as follows:

Revenue

Pleasant Hill Gifts \$1,000.00

Total Revenue \$1,000.00

Expense

Pleasant Hill Gifts \$1,000.00

Total Expense \$1,000.00

Ayes: 6

Nays: 0

Absent: 1 Mary Liz Holberg

Annual Market Value Update

Assessing Services Director Scott Lyons briefed this item and responded to questions. This item was on the agenda for informational purposes only. There will be 2020 open book meetings held on March 24, 25, and 26, 2020, at various County buildings as well as the 2020 Board of Appeals and Equalization meeting on April 14, 2020, at the Town Hall in Vermillion.

Closed Executive Session

20-135

Authorization To Approve Settlement With Acorn Mini-Storage III, LLC For County Project 26-52 Acquisition

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Liz Workman

WHEREAS, County Project 26-52 (C.P. 26-56) is the reconstruction of the intersection of County State Aid Highway (CSAH) 26 (Lone Oak Road) and CSAH 43 (Lexington Avenue) with exclusive dual left turn lanes on the Lexington Avenue northbound and southbound approaches to Lone Okay Road; and

WHEREAS, Dakota County is responsible for all right of way acquisition and construction administration; and

WHEREAS, to construct the recommended improvements, Dakota County acquired property from Acorn Mini-storage III, LLC (Acorn), identified as Parcel 7; and

March 10, 2020

WHEREAS, Dakota County deposited \$9,100 to Acorn as just compensation for the property identified as Parcels 7 that it acquired through the condemnation proceeding in District Court File No. 19HA-CV-18-904; and

WHEREAS, the parties in this action have agreed to settle all remaining damages and claims caused by the taking and extend the temporary easement until May 30, 2021, whereby the County will pay the landowner \$27,500, which includes a 1-year extension of the term of the temporary easement, subject to approval by the County Board; and

WHEREAS, the County Attorney recommend approval of the settlement agreement and extension of the temporary easement as being a fair and equitable settlement of the action in view of the impacts to the property, real estate market data, the time, additional expense, and risk involved in continued litigation, if the matter is allowed to proceed to a Commissioners' hearing.

WHEREAS, the 2020 Transportation Capital Improvement Program has remaining budget of \$3,408,535 for design costs, right of way acquisition, settlements and contractual obligations including funds carried over from previous years; and

WHEREAS, a total of \$3,532,680 has been encumbered in contractual obligations and accepted offers; and

WHEREAS, a budget amendment is requested to provide funds for the acquisition and to continue negotiations on the remaining parcels yet to be settled.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of property from Acorn identified as Parcel 7, an extension of the temporary easement to May 30, 2021, and settlement in the amount of \$27,500, as being in the best interest of the County, and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement between the parties; and

BE IT FURTHER RESOLVED, That the 2020 Transportation Capital Improvement Program budget is hereby amended as follows:

Expenses	
CP 26-52	<u>\$152,000</u>
Total Expenses	<u>\$152,000</u>
Revenue	
Transportation Fund Balance	<u>\$152,000</u>
Total Revenue	<u>\$152,000</u>

Ayes: 6

Nays: 0

Absent: 1 Mary Liz Holberg

20-136

Authorization To Approve Settlement With Donald W. Nihart Jr. And Susan E. Nihart (Parcel 22 (482)) For County Project 86-34 Acquisition

This item did not go into closed session.

Motion: Thomas A. Egan

Second: Joe Atkins

WHEREAS, to provide a safe and efficient transportation system, Dakota County is proceeding with the County Project (CP) 86-34; and

WHEREAS, CP 86-34 is the reconstruction of County State Aid Highway (CSAH) 86 (280th Street W) as an undivided two-lane highway with shoulders and turn lanes at all public road intersections from CSAH 23 (Galaxie Ave) to Trunk Highway (TH) 3; and

WHEREAS, existing CSAH 86, within the CP 86-34 project limits, has inadequate shoulder width, lacks dedicated

March 10, 2020

turn lanes and bypass lanes and has poor pavement conditions; and

WHEREAS, to construct the recommended improvements, Dakota County must acquire certain property rights from Donald Nihart Jr. and Susan Nihart ("Nihart"), identified in the Dakota County Right of Way Map No. 482 as Parcel 22 and

WHEREAS, the acquisition from Nihart is a total acquisition of their property, including their residence; and

WHEREAS, Nihart is entitled to minimum compensation pursuant to Minnesota Statutes Section 117.187; and

WHEREAS, the County's right of way acquisition consultant, SRF Consulting Group, Inc. determined that Nihart is entitled to \$185,000 as minimum compensation for the acquisition of their property; and

WHEREAS, Nihart accepted the County's offers of minimum compensation as full settlement for the acquisition of their properties; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the acquisition in view of the real estate market data, the time, additional expense and risk involved in continued litigation and belief that the settlement represents an appropriate allocation of the prospects for success if the matter is allowed to proceed to a commissioners' hearing.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners approves the acquisition of property from Donald Nihart Jr. and Susan Nihart identified in Dakota County Right of Way Map 482 as Parcel 22 in the amount of \$185,000 as being in the best interest of the County and authorizes the County Attorney to arrange for final payment of the acquisition amount and to effectuate final settlement of the acquisition between the parties.

Ayes: 6

Nays: 0

Absent: 1 Mary Liz Holberg

Interagency Announcements/Reports

Interagency announcements and reports were then presented.

County Manager's Report

County Manager Matt Smith gave a brief overview of the Presidential Primary, the spring/summer County newsletter and an update on river level/flooding potential.

Information

See Attachment A - Future Board Meetings And Other Board Activities

20-137

Adjournment

Motion: Chris Gerlach

Second: Kathleen A. Gaylord

On a motion by Commissioner Chris Gerlach, seconded by Commissioner Kathleen A. Gaylord, the meeting was adjourned at 10:03 a.m.

Mike Slavik
Chair

ATTEST

March 10, 2020

Matt Smith
County Manager